

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL FREEMAN,
Federal Correctional Complex
Inmate #50189-039
PO Box 1000
Petersburg, VA 23804

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,
FBI FOIA/PA STAFF
935 Pennsylvania Ave. NW
Washington, DC 20530

Defendant.

Case: 1:18-cv-02769
Assigned To : Unassigned
Assign. Date : 11/21/2018
Description: FOIA

(I-DECK)

ORIGINAL COMPLAINT

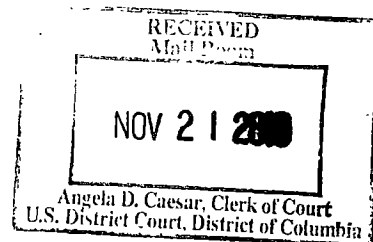
1. Michael Freeman, Plaintiff herein, pro se, seeks to compel the Federal Bureau of Investigations ("FBI") to produce records he requested under the Freedom of Information Act.

2. This action arises under 5 U.S.C. §§ 552 and 552A.

Parties

3. Mr. Freeman is an incarcerated person, who resides at the Federal Correctional Complex, located in Petersburg, Virginia.

4. Defendant FBI is an agency of the Federal Government whose principal location is in Washington, DC, but has locations throughout the United States.



Jurisdiction and Venue

5. This court has jurisdiction over this action under 28 U.S.C. § 1331 because the action arises under a federal statute.

6. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b) and § 1391(e), because the District of Columbia is a judicial district in which the FBI resides and because a substantial part of the acts or omissions giving rise to these claims occurred in the District of Columbia.

7. Alternatively, venue is appropriate in the District of Columbia in accordance with FOIA, 5 U.S.C. § 552(a)(4)(B).

8. The FBI is not immune to suits under the FOIA/PA.

Allegations

9. In January, 2018, Mr. Freeman requested information from the FBI relating to their criminal investigation concerning him.

10. FBI requested more information from Mr. Freeman and then subsequently requested confirmation of his ability/willingness to pay estimated fees.

11. Mr. Freeman complied with each of the FBI's requests.

12. The FBI assigned FOIA Request No 1394158-000 to this request.

13. As of the filing of this complaint, Mr. Freeman has not received any documents or any determinations upon his request.

14. In August, 2018, Mr. Freeman requested from FBI any and all records from 1996 to present of any sex offender registration

information related to his person. This request was sent certified mail, receipt no 7017 1450 0001 9015 5709, and is attached as Attachment 1.

15. Mr. Freeman has received no acknowledgement regarding this request.

COUNT ONE - FOIA/PA

16. Mr. Freeman re-alleges and incorporates by reference the allegations contained in ¶¶ 9-15 of this original complaint as if fully set forth herein.

17. 5 U.S.C. § 552(a)(6)(A)(i) requires that the FBI make a "determin[ation] within 20 days... after receipt of any such request."

18. "The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency." 5 U.S.C. § 552(a)(6)(A)(ii).

19. The FBI has failed to make a determination within the statutory provisions of FOIA.

20. As a result of the FBI's failure to respond to Mr. Freeman's request(s), Mr. Freeman is deemed to have exhausted his administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

RELIEF REQUESTED

Mr. Freeman respectfully requests the Court order FBI to produce all records as described in his request(s).

Mr. Freeman respectfully requests the Court assess the filing fees in this action be assessed against FBI, pursuant to 5 U.S.C. § 552(a)(4)(E), along with any other costs and/or damages to be proven in association with this action.

Mr. Freeman respectfully requests any and all other relief as to which the Court may deem necessary and proper.

The statements made within this Verified Original Complaint are made under penalty of perjury, 28 U.S.C. § 1746, and are true and correct to the best of Mr. Freemans personal knowledge.

Respectfully Submitted,



Michael Freeman
Pro Se
Plaintiff

Michael Freeman #50189-039
Federal Correctional Complex
PO Box 1000
Petersburg, VA 23804

Executed this 14th day of November, 2018.